

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**CHARLES FRANK CANALE, JR.,**

**Petitioner,**

**v.**

**Civil Action No.: 3:16cv400**

**HAROLD W. CLARKE,  
DIRECTOR OF VIRGINIA  
DEPARTMENT OF CORRECTIONS**

**Respondent.**

**PETITIONER'S MOTION TO ALTER/AMEND THE AUGUST 11, 2017 ORDER  
PURSUANT TO FRCP 59(e)**

COMES NOW, Petitioner Charles Frank Canale, Jr., by counsel, and pursuant to Federal Rule of Civil Procedure 59(e), Moves the Court to Alter and/or Amend the Court's Final August 11, 2017 Order and, in support thereof, states as follows:

1. The Court's August 11, 2017 Order requires alterations and/or amendments to correct clear errors of law and/or prevent manifest injustice.
2. The reasons requiring alterations and/or amendments are set forth in the accompanying memorandum of law, which is incorporated by reference.
3. Wherefore, Petitioner Charles Frank Canale, Jr., pursuant to Federal Rule of Civil Procedure 59(e), Moves the Court to Alter and/or Amend the Court's Final August 11, 2017 Order.

CHARLES FRANK CANALE, JR.

By Counsel

/s/ Domingo J. Rivera

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**CERTIFICATE OF SERVICE**

On August 16, 2017, I electronically filed the foregoing pleading with the Clerk of Court by using the CM/ECF system which will send notice to the following CM/ECF participant:

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